

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

**SPECIAL ORDINANCE NO. ~~44~~, 2013**

=====

Common Address of lots to be rezoned:

1240 Hulman St., Street, Terre Haute, Indiana

Rezone From: **R-2**

Rezone To: **C-5, General Central Business District – Planned Development**

Proposed Use: **contractor/construction office, shop and yard**

Name of Owner: **Oakland Real Estate Holdings LLC**

Address of Owner: **1240 Hulman St.,Terre Haute, IN**

Phone Number of Owner: **c/o 232-6003**

Attorney Representing Owner: **Louis F. Britton**

Address of Attorney: **Cox, Zwerner, Gambill & Sullivan, 511 Wabash Avenue, Terre Haute, Indiana 47807**

Phone Number of Attorney: **(812) 232-6003**

for Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: **John Mullican**

FILED  
DEC 09 2013  
CITY CLERK

**SPECIAL ORDINANCE NO. 44, 2013**

An Ordinance amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana."

SECTION 1. BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Map, be and the same is hereby amended to include as follows:


That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

*See Exhibit a attached hereto and made a part hereof*

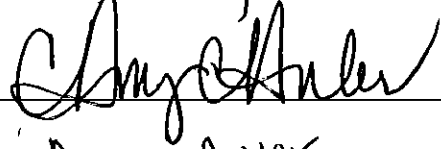
Commonly known 1240 Hulman Street, Terre Haute, IN 47802, Terre Haute, Indiana, be and the same is hereby established as C-5, General Central Business District – Planned Development as designated in Division 10 Section 207 of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be Division X Section 207 and a Planned Development (Division III Sections 10- 110 thru 10-112) authorizing the use of said real estate for the operation of a contractor or construction office, shop or yard as well as the other uses permitted by such designation, together with all rights, privileges, and provisions that may inure to said real estate and the owners thereof by virtue of the law in such cases provided; the Area Plan Commission and the Common Council having determined that a hardship exists due to the nature of the physical characteristics of the land (size, shape and location); adjacent scattered incompatible uses, and general deterioration of the neighborhood and having determined that it will be in the public's interest and that substantial justice will be done by permitting use of the

property as a Planned Development, the Common Council further authorizes use of the property as contractor or construction offices, shops and yards subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION 3. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and approval of the Mayor and publication as required by law.

PRESENTED BY COUNCILPERSON   
John Mullican

Passed in open Council this 16<sup>th</sup> day of January, 2014.


  
Amy Auler, President

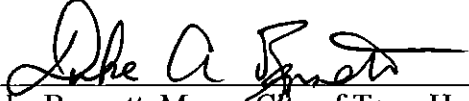
ATTEST: , City Clerk  
Charles Hanley

Presented by me to the Mayor this 17<sup>th</sup> day of January, 2014.

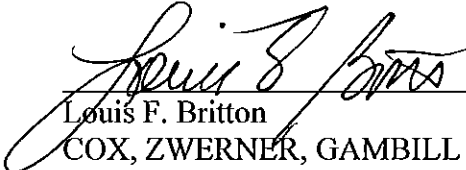
  
Charles Hanley, City Clerk

Approved by me, the Mayor, this 17<sup>TH</sup> day of JANUARY, 2014.

ATTEST:  Charles Hanley, City Clerk

  
Duke Bennett, Mayor City of Terre Haute

I have prepared the foregoing instrument and I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

  
Louis F. Britton  
COX, ZWERNER, GAMBILL & SULLIVAN, LLP  
511 Wabash Avenue  
Terre Haute, IN 47807  
Phone: (812) 232-6003

# EXHIBIT A

A Part of the Southwest Quarter of Section 27, Township 12 North, Range 9 West, of the Second Principal Meridian described as follows:

**Beginning** at a 5/8 inch rebar with plastic cap stamped "SPIRES IN LS 29900015" hereinafter called a monument set at the Northeast Corner of Lot 1 of Block 43 in Cruft Farm's Subdivision as described on Plat Book 3 , Page 140 as found in records of the Vigo County Surveyor's Office; thence South 00 degrees 41 minutes 31 seconds West along the West Right of Way of Thirteenth Street, a distance of 159.61 feet to a monument set at the Southeast corner of Lot 4 of said Subdivision; thence North 89 degrees 44 minutes 10 seconds West along the South line of Lot 4, a distance of 67.01 feet to a monument set 0.33 feet East of an existing chain link fence; thence North 00 degrees 22 minutes 09 seconds West parallel with said fence, a distance of 159.63 feet to a monument set on the South Right of Way of Seabury Avenue; thence South 89 degrees 43 minutes 49 seconds East along said Right of Way a distance of 69.96 feet to the **Point Of Beginning**, containing 0.25 acres more or less and all situated in Harrison Township, Vigo County, Indiana.

## PETITION FOR REZONING OF REAL ESTATE

TO THE PRESIDENT AND MEMBERS  
OF THE COMMON COUNCIL OF THE  
CITY OF TERRE HAUTE, VIGO COUNTY,  
INDIANA

Gentlepersons:

Oakland Real Estate Holdings LLC, petitioner is the owner of the following described real estate located in Vigo County, Indiana, to – wit:

*See Exhibit a attached hereto and made a part hereof*

Which real estate is commonly known as **1240 Hulman St., Terre Haute, IN.**

Petitioner proposes to convey the property to ASP CO LLC for use as contractor or construction offices, shops and yards.

Petitioners are informed and believe that according to Chapter 10, Article 2, Division IV, Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for Terre Haute," and amendments thereto, the above described real estate is zoned **R-2, Two-Family Residence District**, of the city of Terre Haute, Indiana. Petitioners are further informed and believe that the operation of petitioners' proposed business would require the real estate to be rezoned to the classification of "**M-1 Light Industry District**" under which classification Section 10.225 (c) "Uses Permitted M-1 Light Industry District " would authorize such business operations.

Petitioners submit that this petition for rezoning should be granted for the following reasons:

1. The proposed business would be beneficial to the local community and generate employment for the community;
2. Said real estate is located near an area which is zoned for commerce
3. Said real estate is located on South 13 th Street which provides access to business and industry in the immediate area as well as other parts of town;
4. the use of said real estate as proposed will not significantly increase traffic or parking demand in the area;
5. said real estate lends itself well to the proposed use;
6. the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood;
7. said rezoning will not increase the danger of fire or endanger public safety or substantially diminished or impair property values within the general area.

**Wherefore**, petitioners respectfully request that the Common Council favorably consider passage of a Special Ordinance amending the Comprehensive Zoning Ordinance for Terre Vote and declare the above described real estate to be a part of the " M-1 Light Industry District " of the city of Terre Haute, Indiana, being entitled to the rights and benefits that

may inure to said real estate and the owners thereof by virtue of said description and the laws in such cases provided, subject to all the limitations imposed by deed or otherwise.

In witness whereof the petitioner has duly executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Oakland Real Estate Holdings LLC

By: \_\_\_\_\_

*Michael J. Scott*

\_\_\_\_\_  
printed name and title

## AFFIDAVIT

COMES NOW **Oakland Real Estate Holdings LLC** and affirms under penalty of law that affiants are the owners of record of the property located at 1240 Hulman St. Terre Haute, IN for which a rezoning is requested and attached hereto is a copy of affiant's deed evidencing such ownership.

I affirm, under penalties for perjury, that the foregoing representations are true.

Robert Jordan TRUSTEE

ROBERT JORDAN

Signature

MICHAEL J SCOTT

Printed Name

Kimberly Slating Flynn

Signature

Kimberly Slating-Flynn

Printed Name

STATE OF INDIANA)

) SS:

COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, MICHAEL J SCOTT, ROBERT JORDAN, KIMBERLY SLATING FLYNN who acknowledged the execution of the above and foregoing Affidavit, after being duly sworn upon their oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal, this 7<sup>th</sup> day of DECEMBER, 2013.

Diane Y. Thiel

Notary Public

DIANE Y. THIEL

Printed Name

My Commission Expires: My County of Residence:

08/26/2019, MACOMB COUNTY



## PETITION FOR REZONING OF REAL ESTATE

TO THE PRESIDENT AND MEMBERS  
OF THE COMMON COUNCIL OF THE  
CITY OF TERRE HAUTE, VIGO COUNTY,  
INDIANA

Gentlepersons:

**Oakland Real Estate Holdings LLC**, petitioner is the owner of the following described real estate located in Vigo County, Indiana, to – wit:

*See Exhibit a attached hereto and made a part hereof*

Which real estate is commonly known as **1240 Hulman St., Terre Haute, IN.**

Petitioner proposes to convey the property to **ASP CO LLC** for use as contractor or construction offices, shops and yards.

Petitioners are informed and believe that according to Chapter 10, Article 2, Division IV, Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for Terre Haute," and amendments thereto, the above described real estate is zoned **R-2, Two-Family Residence District**, of the city of Terre Haute, Indiana. Petitioners are further informed and believe that the operation of petitioners' proposed business would require the real estate to be rezoned to the classification of "**C-5, General Central Business District – Planned Development**" under which classification Section 10.207 (k) and Section 10-110 – 10-112 "Uses Permitted C-5, General Central Business District – Planned Development" would authorize such business operations.

Petitioners submit that this petition for rezoning should be granted for the following reasons:

1. The proposed business would be beneficial to the local community and generate employment for the community;
2. Said real estate is located near an area which is zoned for commerce
3. Said real estate is located on South 13 th Street which provides access to business and industry in the immediate area as well as other parts of town;
4. the use of said real estate as proposed will not significantly increase traffic or parking demand in the area;
5. said real estate lends itself well to the proposed use;
6. the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood;
7. said rezoning will not increase the danger of fire or endanger public safety or substantially diminished or impair property values within the general area.
8. The Petitioner has demonstrated the hardship required to designate the property as a Planned Development in accord with Section 10-112 including hardships due to physical characteristics of the land, adjacent incompatible uses, and general deterioration of the neighborhood.

**Wherefore**, petitioners respectfully ask that the Common Council favorably consider passage of a Special Ordinance amending the Comprehensive Zoning Ordinance for Terre Vote and declare the above described real estate to be a part of the "**C-5, General Central Business District – Planned Development**" of the City of Terre Haute, Indiana, to include use as contractor or construction offices, shops and yards being entitled to all the rights and benefits of such "**C-5, General Central Business District – Planned Development**" that

may inure to said real estate and the owners thereof by virtue of said description and the laws in such cases provided, subject to all the limitations imposed by deed or otherwise.

In witness whereof the petitioner has duly executed this instrument this 8 day of Dec, 2013.

Oakland Real Estate Holdings LLC

By: 

Michael J. Scott

printed name and title

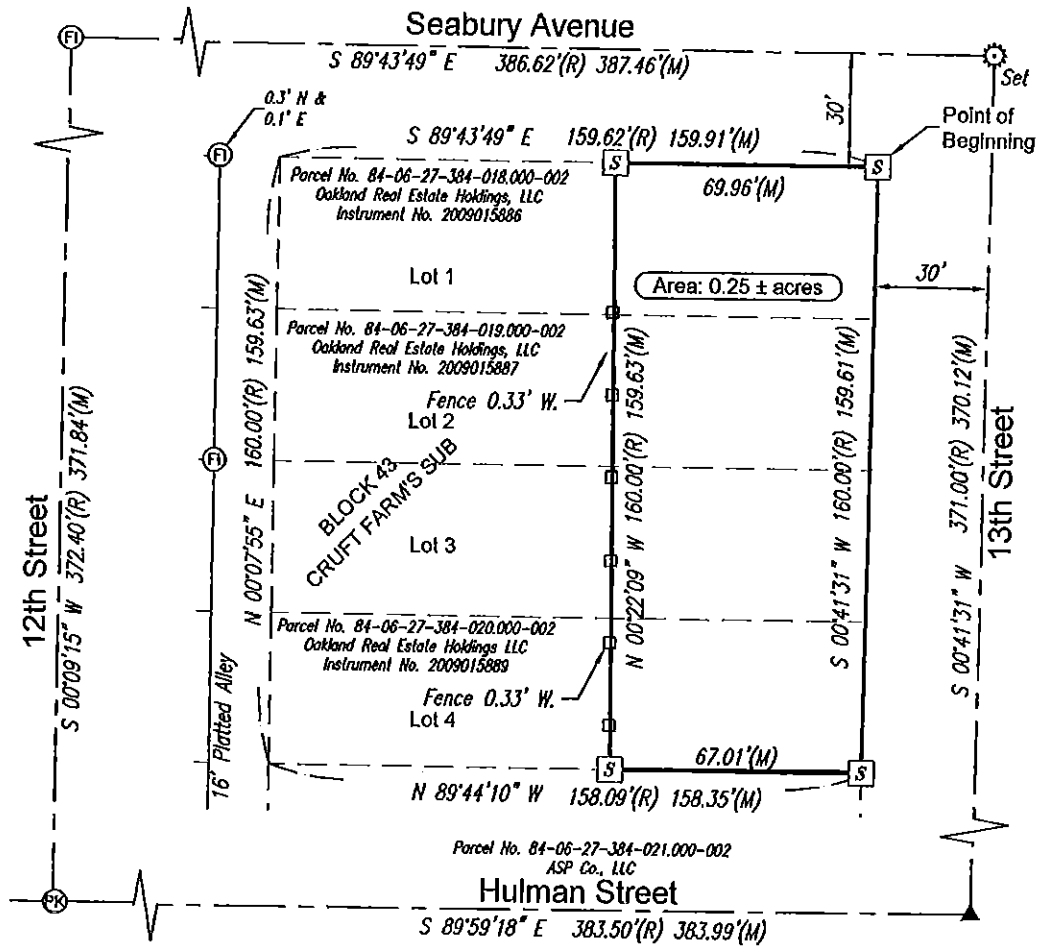
# EXHIBIT A

A Part of the Southwest Quarter of Section 27, Township 12 North, Range 9 West, of the Second Principal Meridian described as follows:

**Beginning** at a 5/8 inch rebar with plastic cap stamped "SPIRES IN LS 29900015" hereinafter called a monument set at the Northeast Corner of Lot 1 of Block 43 in Cruft Farm's Subdivision as described on Plat Book 3 , Page 140 as found in records of the Vigo County Surveyor's Office; thence South 00 degrees 41 minutes 31 seconds West along the West Right of Way of Thirteenth Street, a distance of 159.61 feet to a monument set at the Southeast corner of Lot 4 of said Subdivision; thence North 89 degrees 44 minutes 10 seconds West along the South line of Lot 4, a distance of 67.01 feet to a monument set 0.33 feet East of an existing chain link fence; thence North 00 degrees 22 minutes 09 seconds West parallel with said fence, a distance of 159.63 feet to a monument set on the South Right of Way of Seabury Avenue; thence South 89 degrees 43 minutes 49 seconds East along said Right of Way a distance of 69.96 feet to the **Point Of Beginning**, containing 0.25 acres more or less and all situated in Harrison Township, Vigo County, Indiana.

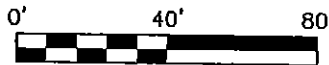
# Plat of Survey

Section 27, Township 12 North, Range 9 West of  
the 2nd Principal Meridian, Harrison Township,  
City of Terre Haute, Vigo County, Indiana



## LEGEND

- ⊕ = FOUND IRON PIN
- ⊙ = FOUND BOLT IN P.O.T.
- ▲ = FOUND IRON PIN IN P.O.T.
- ⊙ = COTTON GIN SPINDLE SET
- ⊕ = SET 5/8" REBAR WITH PLASTIC CAP  
STAMPED "SPIRES IN LS 29900015"



SCALE: 1"=40'

Field Work Completed 11/26/2013



## South 13th Street

SIGNED AND SEALED HARD COPY IS THE INSTRUMENT OF SERVICE. THIS DRAWING MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MYERS ENGINEERING, INC.



**MYERS**  
ENGINEERING, INC.

Copyright © 2013

MYERS ENGINEERING, INC.  
1033 Crawford Street  
Terre Haute, IN 47807  
PHONE: (812) 238-9731  
FAX: (812) 235-1353  
http://MyersEngineering.com

DATE	NO	REVISIONS	BY	CHECKED

CLIENT: RECORD OWNER:

Guarantee Roofing

Oakland Real Estate Holdings, LLC

## Plat of Survey

DRAWN BY:	CLT	DATE:	12/03/2013
CHECKED BY:	EDS	PROJECT NUMBER:	TM13-246
APPROVED BY:	EDS	FILE NAME:	TM13-246.DWG
SCALE:	1"=40'	DRAWING NAME:	PLAT OF SURVEY

DO NOT SCALE PRINT

SHEET 1 OF 3



www.MyersEngineering.com  
1033 Crawford St. • Terre Haute, IN 47807  
(812) 238-9731 • Fax (812) 235-1353

## CERTIFICATE OF SURVEY

To: Guarantee Roofing

I, Earl D. Spires Jr., licensed Land Surveyor in the State of Indiana, have conducted this survey. To the best of my knowledge, information, and belief it was executed in accordance with the survey requirements of 865 IAC 1-12 for the following tract:

## RECORD DESCRIPTION

### **Instrument No. 2009015886**

Lot One (1) in Block Number Forty-three (43) in Cruft Farm Subdivision, being in the Southwest Quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

### **Instrument No. 2009015887**

Lot Two (2) in Block Number Forty-three (43) in Cruft Farm Subdivision, being in the Southwest Quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

### **Instrument No. 2009015889**

Lots Number Three (3) and Four (4) in Block Number Forty-three (43) in Cruft Farm Subdivision, being in the Southwest Quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

ALSO, Lot Number Five (5) in Block Number Forty-three (43) in Cruft Farm Subdivision, being in the Southwest Quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

EXCEPT that part conveyed to Richard E. Anderson as shown by instrument dated September 26, 1979 and recorded September 26, 1979 in Deed Record 380, page 331, in the records of the Recorder's Office, Vigo County, Indiana.

ALSO EXCEPT that part conveyed to Richard E. Anderson as shown by instrument dated October 13, 2009 and recorded October 14, 2009 as Instrument Number 2009013802, in the records of the Recorder's Office, Vigo County, Indiana.

ALSO, Forty (40) feet of even width off the East side of 80 feet of even width off the West end of Lots Six (6), Seven (7) and Eight (8) in Block Number Forty-three (43) in Cruft Farm Subdivision, being in the Southwest Quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

ALSO, Forty (40) feet off the West side of Lots Number Six (6), Seven (7), and Eight (8) in Block Number Forty-three (43) in Cruft Farm Subdivision, being the Southwest Quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

## New Description

A Part of the Southwest Quarter of Section 27, Township 12 North, Range 9 West, of the Second Principal Meridian described as follows:

**Beginning** at a 5/8 inch rebar with plastic cap stamped "SPIRES IN LS 29900015" hereinafter called a monument set at the Northeast Corner of Lot 1 of Block 43 in Cruft Farm's Subdivision as described on Plat Book 3, Page 140 as found in records of the Vigo County Surveyor's Office; thence South 00 degrees 41 minutes 31 seconds West along the West Right of Way of Thirteenth Street, a distance of 159.61 feet to a monument set at the Southeast corner of Lot 4 of said Subdivision; thence North 89 degrees 44 minutes 10 seconds West along the South line of Lot 4, a distance of 67.01 feet to a monument set 0.33 feet East of an existing chain link fence; thence North 00 degrees 22 minutes 09 seconds West parallel with said fence, a distance of 159.63 feet to a monument set on the South Right of Way of Seabury Avenue; thence South 89 degrees 43 minutes 49 seconds East along said Right of Way a distance of 69.96 feet to the **Point Of Beginning**, containing 0.25 acres more or less and all situated in Harrison Township, Vigo County, Indiana.



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1033 Crawford St. • Terre Haute, IN 47807  
(812) 238-9731 • Fax (812) 235-1353

#### SURVEYOR'S REPORT

In accordance with 865 IAC 1-12, the following information is presented concerning evidence used to establish this survey because of the following:

- A. Availability and condition of reference monuments.
- B. Occupation or possession lines.
- C. Clarity or ambiguity of the record description used and of adjoiner's descriptions and the relationship of the lines of the subject tract with the adjoiners' lines.
- D. The relative positional accuracy of the measurements.

The relative positional accuracy of the lines and corners established on this survey is within the specifications for an Urban Survey as defined in 865 IAC 1-12.

This is an Original Survey to establish the property described under New Description.

#### THEORY OF LOCATION, CONTROLLING ELEMENTS OF SURVEY:

- A bolt in POT at the intersection of 12th Street with Hulman Street.
- An iron pin found at the intersection of 12th Street with Seabury Avenue.
- A POT at the intersection of 13th Street with Hulman Street.
- The Northeast corner of Block 43 was calculated along the centerline of 13th Street a distance of 370.12 feet to the intersection with Seabury Street, as shown in the Vigo County Surveyor records, Subdivision Book 26, Page 24.

#### REFERENCE MONUMENT UNCERTAINTIES:

- 0.4 feet North / South. The distance measured between the intersection of 12th Street with Hulman Street and Seabury Avenue.
- 0.8 feet East / West. The distance measured between the intersection of Seabury Avenue with 12th Street and 13th Street.
- 0.9 feet North / South. The distance measured between the intersection of 13th Street with Hulman Street and Seabury Avenue.
- 0.3 feet East / West. The distance measured between the intersection of Hulman Street with 12th Street and 13th Street.

#### OCCUPATION / POSSESSION LINE UNCERTAINTIES:

- None was found

#### REFERENCE DOCUMENT UNCERTAINTIES:

- None was found

Basis of bearings is the centerline of Hulman Street between monuments, assumed South 89 degrees 59 minutes 18 seconds East.

Evidence of easements has not been located in the field and is not shown on this survey plat.

There may be unwritten rights associated with this survey.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.



*Earl D. Spires Jr.*  
12/3/2013

Earl D. Spires Jr.  
Registered Land Surveyor # LS29900015  
Date 12/03/2013  
Project TM13-246  
Client: Guarantee Roofing

SEABURY

SEABURY

13TH

ALLEY

84-06-27-384-018-000-002

84-06-27-384-019-000-002

84-06-27-384-020-000-002

27-384-001-000-002

27-384-003-000-002

27-384-004-000-002

84-06-27-454-001-000-002

84-06-27-454-002-000-002

84-06-27-454-003-000-002

84-06-27-454-004-000-002

84-06-27-454-005-000-002

84-06-27-454-006-000-002

84-06-27-454-007-000-002

84-06-27-454-008-000-002

November 8, 2013

FOR HAND DELIVERY

Vigo County Area Plan Commission  
County Annex Building  
159 Oak Street  
Terre Haute, IN 47807

Re: Rezoning - Unified Zoning Ordinance  
1240 Hulman St., Terre Haute, IN.

Gentlemen:

Please be advised that ASP CO LLC intends to acquire the real estate referred to above from the Petitioners in the referenced rezoning if the rezoning is granted. ASP CO LLC would agree to the following condition regarding that rezoning:

Use of the real estate would be restricted to contractor or construction office, shops and yards such as:

- Building
- Cement
- Electrical
- Heating, ventilating and air conditioning
- Roofing
- Masonry
- Painting
- Plumbing
- Refrigeration

Very truly yours,

ASP CO LLC

By: 



## AFFIDAVIT

COMES NOW Oakland Real Estate Holdings LLC and affirms under penalty of law that affiants are the owners of record of the property located at 1240 Hulman St. Terre Haute, IN for which a rezoning is requested and attached hereto is a copy of affiant's deed evidencing such ownership.

I affirm, under penalties for perjury, that the foregoing representations are true.

Robert Jordan TRUSTEE

ROBERT JORDAN

Signature

Michael J Scott

Printed Name

Kimberly Stating Flynn

Signature

Kimberly Stating Flynn

Printed Name

STATE OF INDIANA)

) SS:

COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, MICHAEL J SCOTT, ROBERT JORDAN, KIMBERLY SLATING FLYNN who acknowledged the execution of the above and foregoing Affidavit, after being duly sworn upon their oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal, this TH day of DECEMBER, 2013.

Diane Y. Thiel

Notary Public

DIANE Y. THIEL

Printed Name

My Commission Expires: My County of Residence:

08/26/2019, MACOMB COUNTY

2009013886 WD \$16.00  
11/06/2009 02:39:14P 1 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented

WARRANTY DEED

THIS INDENTURE WITNESSETH that Paul D. Harrah of Vigo County, in the State of Indiana conveys and warrants to Oakland Real Estate Holdings, LLC, an Indiana limited liability company for and in consideration of the sum of Ten Thousand Seven Hundred Dollars (\$10,700) the following described real estate:

Lot One (1) In Block Number Forty-three (43) in Cruft Farm Subdivision, being in the Southwest quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

Commonly known as 1601 S. 13<sup>th</sup> Street, Terre Haute, Indiana.

In WITNESS WHEREOF, Grantor, above-named Paul D. Harrah, has executed this Warranty Deed this 23 day of October, 2009.

Prepared by: Paul D. Harrah  
Paul D. Harrah, Grantor

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

Before me, a Notary Public, in and for said County and State, this 23 day of October 2009, personally appeared Paul D. Harrah, Grantor in the above conveyance, and acknowledged the execution of the same to be a voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My commission expires: 5/30/16.  
Vigo County Resident

Kathleen C. Culp  
Kathleen C. Culp, Notary Public

Return this Deed to Oakland Real Estate Holdings, LLC, 1212 Hulman Street, Terre Haute, IN 47802  
Send tax statements to Oakland Real Estate Holdings, LLC, 1212 Hulman Street, Terre Haute, IN 47802

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

NOV 06 2009

Timothy M. Simpson  
VIGO COUNTY AUDITOR

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law

KCC

Grantee's Address:  
Oakland Real Estate Holdings, LLC  
1212 Hulman Street  
Terre Haute, IN 47802

WARRANTY DEED

THIS INDENTURE WITNESSETH that Paul D. Harrah of Vigo County, in the State of Indiana conveys and warrants to Oakland Real Estate Holdings, LLC, an Indiana limited liability company for and in consideration of the sum of Five Thousand Six Hundred Dollars (\$5,600) the following described real estate:

Lot Two (2) in Block Number Forty-three (43) in Cruft Farm Subdivision, being in the Southwest quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana

Commonly known as 1605 S 13th Street, Terre Haute, Indiana.

In WITNESS WHEREOF, Grantor, above named Paul D Harrah, has executed this Warranty Deed this 22 day of October, 2009.

Prepared by: Paul D. Harrah, Grantor

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

Before me, a Notary Public, in and for said County and State, this 23 day of October, 2009, personally appeared Paul D. Harrah, Grantor in the above conveyance, and acknowledged the execution of the same to be a voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My commission expires: 5/30/16.  
Vigo County Resident

Kathleen C. Culp  
Kathleen C. Culp, Notary Public

Return this Deed to Oakland Real Estate Holdings, LLC, 1212 Hulman Street, Terre Haute, IN 47802  
Send tax statements to Oakland Real Estate Holdings, LLC, 1212 Hulman Street, Terre Haute, IN 47802

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

NOV 06 2009

Timothy M. Spivey  
VIGO COUNTY AUDITOR

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law

Grantee's Address:  
Oakland Real Estate Holdings, LLC  
1212 Hulman Street  
Terre Haute, IN 47802

KLC

## WARRANTY DEED

THIS INDENTURE WITNESSETH that Paul D. Harrah of Vigo County, in the State of Indiana conveys and warrants to Oakland Real Estate Holdings, LLC, an Indiana limited liability company for and in consideration of the sum of Seventy-eight Thousand Nine Hundred Dollars (\$78,900) the following described real estate:

Lots Number Three (3) and Four (4) in Block Number Forty-three (43) in Cruft Farm Subdivision, being in the Southwest quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

Also

Lot Number Five (5) in Block Number Forty-three (43) in Cruft Farm Subdivision, being in the Southwest quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

EXCEPT that part thereof conveyed to Richard E. Anderson as shown by instrument dated September 26, 1979 and recorded September 26, 1979 in Deed Record 380 page 331, in the records of the Recorder's Office, Vigo County, Indiana

ALSO EXCEPT that part conveyed to Richard E. Anderson as shown by instrument dated October 13, 2009 and recorded October 14, 2009 as Instrument Number 2009013802, in the records of the Recorder's Office, Vigo County, Indiana.

Also

Forty (40) feet of even width off the East side of 80 feet of even width off the West end of Lots Six (6), Seven (7) and Eight (8) in Block Number Forty-three (43) in Cruft Farm Subdivision, being in the Southwest quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

Also

Forty (40) feet off the West side of Lots Number Six (6), Seven (7), and Eight (8) in Block Number Forty-three (43) in Cruft Farm Subdivision, being in the Southwest quarter of Section Twenty-seven (27), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

Commonly known as 1220 Hulman Street, Terre Haute, Indiana.

In WITNESS WHEREOF, Grantor has executed this Personal Representative's Deed this 23 day of October, 2009.

Prepared by: Paul D. Harrah  
Paul D. Harrah, Grantor

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

Before me, a Notary Public, in and for said County and State, this 23 day of October 2008, personally appeared Paul D. Harrah, Grantor in the above conveyance, and acknowledged the execution of the same to be a voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My commission expires: 5/30/16.  
Vigo County Resident

Kathleen C. Culp  
Kathleen C. Culp, Notary Public

Return this Deed to Oakland Real Estate Holdings, LLC, 1212 Hulman Street, Terre Haute, IN 47802  
Send tax statements to Oakland Real Estate Holdings, LLC, 1212 Hulman Street, Terre Haute, IN 47802  
DOLY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

NOV 06 2009

Timothy M. Spivey  
VIGO COUNTY AUDITOR

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law

KCC

Grantee's Address:  
Oakland Real Estate Holdings, LLC  
1212 Hulman Street  
Terre Haute, IN 47802

2009015889 WD \$16.00  
11/06/2009 02:39:14P 1 PGS  
NANCY S. ALLSUP  
VIGO County Recorder IN  
Recorded as Presented



## Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: Dec. 9, 2013

Name: Plen Smith

Reason: Rezoning - Notice of Filing \$ 25.00

Rezoning - Petition \$ 20.00  
\$ 45.00

CONTROLLER

Cash: \_\_\_\_\_

Check: \$45.00 ch #92749

DEC 09 2013

Credit: \_\_\_\_\_

PAID  
TERRE HAUTE, IN

Total: \$45.00

Received By: M. Bladen / LE



**TERRE HAUTE**  
ATTITUDE ABOVE

# Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

**DATE: January 9, 2014**

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

**THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #44-13**

**CERTIFICATION DATE: January 8, 2014**


**TO: The Honorable Common Council of the City of Terre Haute**

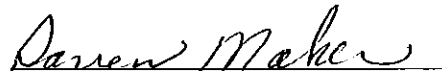
**Dear Members,**

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 44-13. This Ordinance is a rezoning of the property located at 1240 Hulman Street. The Petitioner, Oakland Real Estate Holdings, LLC, Petitions the Plan Commission to rezone said real estate from zoning classification R-2 to C-5, General Central Business District for contractor/construction office, shop and yard. The Ordinance was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 44-13 at a public meeting and hearing held Wednesday, January 8, 2014. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 44-13 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 44-13 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 44-13, was FAVORABLE WITH THE CONDITION THE PETITIONER PROVIDES SCREENING FOR THE OUTDOOR STORAGE AREA.

  
Fred L. Wilson, President

  
Darren Maher, Executive Director

Received this 9<sup>th</sup> day of January, 2014

## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO 44-13

Doc: # 03

Date: January 8<sup>th</sup>, 2014

Page 1 of 4

### APPLICATION INFORMATION

Petitioner: Oakland Real Estate Holdings LLC

Property Owner: Same-As-Above

Representative: Louis F. Britton

Proposed Use: Contractor/construction office, shop and yard

Proposed Zoning: C-5, General Central Business District

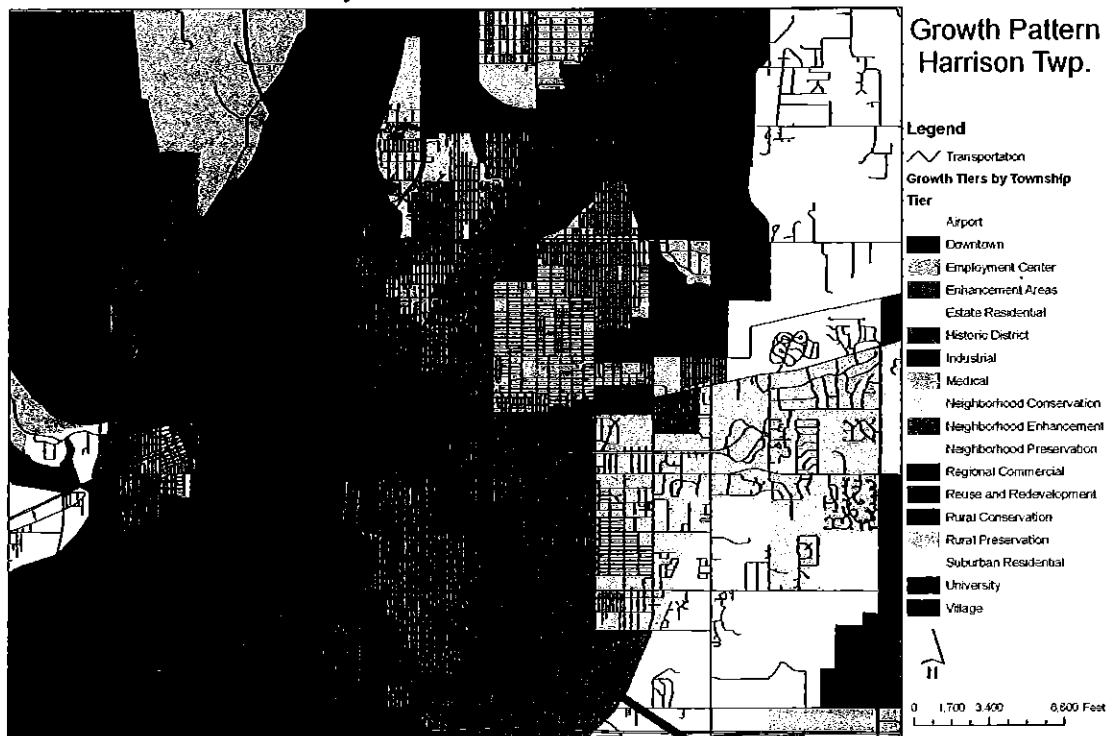
Current Zoning: R-2, Two-Family Residence District

Location: Northwest corner of South 13<sup>th</sup> Street and Hulman Street.

Common Address: 1240 Hulman Street, Terre Haute,

### COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute



Guiding Policies: Reuse and Redevelopment

## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO 44-13

Doc: # 03

Date: January 8<sup>th</sup>, 2014

Page 2 of 4

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- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Incompatible and inconsistent uses with residential context of these neighborhoods should be eliminated.
- Identify areas that need sub-area plans prioritize the development of those plans by areas.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: Hulman Street (Secondary Arterial)  
South 13<sup>th</sup> Street (Primary Arterial)

Dev. Priority: Capital improvements within this area support a high priority for redevelopment.

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## ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-2, Two Family Residence District  
**East** – R-2, Two Family Residence District  
C-1, Neighborhood Commercial District  
**South** – C-1, Neighborhood Commercial District  
**West** – R-2, Two Family Residence District

Character of Area: The neighborhood has an aging housing stock with a high number of vacant lots. Hulman Street and South 13<sup>th</sup> Street function as a neighborhood commercial node.

Contig. Uses & Zones: The area surrounding the petitioned property consists R-1, Single Family Residence District, R-2, Two Family Residence District, and R-3, the General Residence District. Uses consist of Single Family detached Dwellings and multifamily dwelling all permitted within the appropriate zoning districts. Intersection of Hulman Street and South 13<sup>th</sup> Street has a mix of commercial and industrial uses and zoning.

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## ZONING REGULATIONS

**C-5 Purpose:** The General Central Business District is designed to accommodate, in addition to the uses permitted in the Restricted Central Business District, a wide variety of necessary services (and goods) as well as light manufacturing. It is the main warehousing and wholesaling area and shares the retail trade to a more limited degree with the C-4 District. It is characterized by high volumes of trucks and vehicles as well as pedestrian traffic.

**C-5 Uses:** All business, servicing, or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter, and except for establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles.

**C-5 Standards:** Minimum Lot Size: N/A;  
Street Setback: 50 feet from centerline;  
Rear setback 11’;  
Interior setback of 5’ from the interior lot line;  
Parking Requirement: One (1) parking space for each two hundred (200) square feet of gross floor area devoted to office space, plus one (1) parking space per resident/ manager, plus one (1) parking space for each thirty (30) storage units. Required off street parking spaces shall not be utilized as rental or leased spaces.

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STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO 44-13

Doc: # 03

Date: January 8<sup>th</sup>, 2014

Page 4 of 4

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## **FINDINGS and RECOMMENDATION**

**Staff Findings:** The proposed use is in harmony with the Thrive 2025 Comprehensive Plan. The petitioned site is a legal non-conforming use, and the rezoning request will allow the site to conform to the City's Comprehensive Zoning Ordinance (CZO).

**Recommendation:** A favorable recommendation, with the condition the applicant provides screening for the outdoor storage area as defined by Sec. 10-191 Outdoor Storage of the City's Comprehensive Zoning Ordinance.